

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

PETER H. POCKLINGTON,
LANTSON E. ELDRED, TERRENCE
J. WALTON, YOLANDA C.
VELAZQUEZ a/k/a LANA
VELAZQUEZ a/k/a LANA PULEO,
VANESSA PULEO, ROBERT A.
VANETTEN, NOVA OCULUS
PARTNERS, LLC, f/k/a THE EYE
MACHINE, LLC, and AMC
HOLDINGS, LLC,

Defendants.

EVA S. POCKLINGTON, DTR
HOLDINGS, LLC, COBRA
CHEMICAL, LLC, and GOLD STAR
RESOURCES, LLC,

Relief Defendants.

Case No. 5:18-cv-00701-FLA (SPx)

**FINAL JUDGMENT AS TO
DEFENDANT ROBERT A.
VANETTEN [DKT. 175]**

FINAL JUDGMENT AS TO ROBERT A. VANETTEN

The Securities and Exchange Commission (the “Commission”) having filed a Complaint and Defendant Robert A. Vanetten (“Defendant”) having entered a general appearance; consented to the court’s jurisdiction over Defendant and the subject matter of this action; consented to entry of this Final Judgment without admitting or denying the allegations of the Complaint (except as to jurisdiction and except as otherwise provided herein in paragraph IV); waived findings of fact and conclusions of law; and waived any right to appeal from this Final Judgment:

I.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant is permanently restrained and enjoined from violating Section 5 of the Securities Act [15 U.S.C. § 77e] by, directly or indirectly, in the absence of any applicable exemption:

- (a) Unless a registration statement is in effect as to a security, making use of any means or instruments of transportation or communication in interstate commerce or of the mails to sell such security through the use or medium of any prospectus or otherwise;
- (b) Unless a registration statement is in effect as to a security, carrying or causing to be carried through the mails or in interstate commerce, by any means or instruments of transportation, any such security for the purpose of sale or for delivery after sale; or
- (c) Making use of any means or instruments of transportation or communication in interstate commerce or of the mails to offer to sell or offer to buy through the use or medium of any prospectus or otherwise any security, unless a registration statement has been filed with the Commission as to such security, or while the registration statement is the subject of a refusal order or stop order or (prior to the effective date of the registration statement) any public proceeding or examination under

Section 8 of the Securities Act [15 U.S.C. § 77h].

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also binds the following who receive actual notice of this Final Judgment by personal service or otherwise: (a) Defendant's officers, agents, servants, employees, and attorneys; and (b) other persons in active concert or participation with Defendant or with anyone described in (a).

II.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant is permanently restrained and enjoined from violating, directly or indirectly, Section 15(a) of the Securities Exchange Act of 1934 (the “Exchange Act”) [15 U.S.C. § 78o(a)] by making use of the mails or any means or instrumentality of interstate commerce to effect any transactions in, or to induce or attempt to induce the purchase or sale of, any security, without being registered as a broker and/or dealer pursuant to Section 15(b) of the Exchange Act [15 U.S.C. § 78o(b)] or while Defendants are not associated with an entity registered with the Commission as a broker or dealer.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also binds the following who receive actual notice of this Final Judgment by personal service or otherwise: (a) Defendant's officers, agents, servants, employees, and attorneys; and (b) other persons in active concert or participation with Defendant or with anyone described in (a).

III.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant is liable for disgorgement of \$114,200.00, representing net profits gained [net losses avoided] as a result of the conduct alleged in the Complaint, together with prejudgment interest thereon in the amount of \$18,825.00, and a civil penalty in the

1 amount of \$27,162.00 pursuant to Section 20(d) of the Securities Act [15 U.S.C. §
2 77t(d)] and Section 21(d)(3) of the Exchange Act [15 U.S.C. § 78u(d)(3)]. Defendant
3 shall satisfy this obligation by paying \$160,187.00 to the Securities and Exchange
4 Commission within one year after entry of this Final Judgment.

5 Defendant may transmit payment electronically to the Commission, which will
6 provide detailed ACH transfer/Fedwire instructions upon request. Payment may also
7 be made directly from a bank account via Pay.gov through the SEC website at
8 <http://www.sec.gov/about/offices/ofm.htm>. Defendant may also pay by certified
9 check, bank cashier's check, or United States postal money order payable to the
10 Securities and Exchange Commission, which shall be delivered or mailed to:

11 Enterprise Services Center
12 Accounts Receivable Branch
13 6500 South MacArthur Boulevard
Oklahoma City, OK 73169

14 and shall be accompanied by a letter identifying the case title, civil action number,
15 and name of this court; Robert A. Vanetten as a defendant in this action; and
16 specifying that payment is made pursuant to this Final Judgment.

17 Defendant shall simultaneously transmit photocopies of evidence of payment and
18 case identifying information to the Commission's counsel in this action. By making
19 this payment, Defendant relinquishes all legal and equitable right, title, and interest in
20 such funds and no part of the funds shall be returned to Defendant.

21 The Commission may enforce the court's judgment for disgorgement and
22 prejudgment interest by using all collection procedures authorized by law, including,
23 but not limited to, moving for civil contempt at any time after 30 days following entry
24 of this Final Judgment.

25 The Commission may enforce the court's judgment for penalties by the use of
26 all collection procedures authorized by law, including the Federal Debt Collection
27 Procedures Act, 28 U.S.C. § 3001 *et seq.*, and moving for civil contempt for the
28 violation of any court orders issued in this action. Defendant shall pay post judgment

1 interest on any amounts due after 30 days of the entry of this Final Judgment pursuant
2 to 28 U.S.C. § 1961. The Commission shall hold the funds, together with any interest
3 and income earned thereon (collectively, the “Fund”), pending further order of the
4 court.

5 The Commission may propose a plan to distribute the Fund subject to the
6 court’s approval. Such a plan may provide that the Fund shall be distributed pursuant
7 to the Fair Fund provisions of Section 308(a) of the Sarbanes-Oxley Act of 2002.
8 The court shall retain jurisdiction over the administration of any distribution of the
9 Fund, and the Fund may only be disbursed pursuant to an Order of the court.
10 Regardless of whether any such Fair Fund distribution is made, amounts ordered to
11 be paid as civil penalties pursuant to this Judgment shall be treated as penalties paid
12 to the government for all purposes, including all tax purposes. To preserve the
13 deterrent effect of the civil penalty, Defendant shall not, after offset or reduction of
14 any award of compensatory damages in any Related Investor Action based on
15 Defendant’s payment of disgorgement in this action, argue that he is entitled to, nor
16 shall he further benefit by, offset or reduction of such compensatory damages award
17 by the amount of any part of Defendant’s payment of a civil penalty in this action
18 (“Penalty Offset”). If the court in any Related Investor Action grants such a Penalty
19 Offset, Defendant shall, within 30 days after entry of a final order granting the
20 Penalty Offset, notify the Commission’s counsel in this action and pay the amount of
21 the Penalty Offset to the United States Treasury or to a Fair Fund, as the Commission
22 directs. Such a payment shall not be deemed an additional civil penalty and shall not
23 be deemed to change the amount of the civil penalty imposed in this Judgment. For
24 purposes of this paragraph, a “Related Investor Action” means a private damages
25 action brought against Defendant by or on behalf of one or more investors based on
26 substantially the same facts as alleged in the Complaint in this action.

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IV.

2 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, solely for
3 purposes of exceptions to discharge set forth in Section 523 of the Bankruptcy Code,
4 11 U.S.C. § 523, the allegations in the complaint are true and admitted by Defendant,
5 and further, any debt for disgorgement, prejudgment interest, civil penalty or other
6 amounts due by Defendant under this Final Judgment or any other judgment, order,
7 consent order, decree or settlement agreement entered in connection with this
8 proceeding, is a debt for the violation by Defendant of the federal securities laws or
9 any regulation or order issued under such laws, as set forth in Section 523(a)(19) of
10 the Bankruptcy Code, 11 U.S.C. § 523(a)(19).

V.

12 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this court
13 shall retain jurisdiction of this matter for the purposes of enforcing the terms of this
14 Final Judgment.

VI.

16 There being no just reason for delay, pursuant to Rule 54(b) of the Federal
17 Rules of Civil Procedure, the Clerk is ordered to enter this Final Judgment forthwith
18 and without further notice.

20 | Dated: May 9, 2022


FERNANDO L. AENLLE-ROCHA
United States District Judge